



December 8, 1999

Ms. Elaine S. Hengen
Assistant City Attorney
City of El Paso
2 Civic Center Plaza - 9th Floor
El Paso, Texas 79901

OR-3560

Dear Ms. Hengen:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "PIA"), chapter 552 of the Government Code. Your request was assigned ID# 129984.

The City of El Paso (the "city") received requests for the reports regarding case numbers 99-242187 and 99-142279. You ask whether, under section 552.130, the city must withhold from disclosure the Vehicle Identification Number (the "VINs") and the license plate number information contained in these reports.

You state that the city has already released both complaint reports after redacting the driver's license numbers, the VINs, and the license plate numbers, based on section 552.130 of the Government Code. In addition, you state that personal information regarding the registered owner contained on a supplemental report to case number 99-242187 has been redacted pursuant to section 730.005 of the Transportation Code.

Chapter 730 of the Transportation Code and 18 U.S.C. Chapter 123 protect an individual's personal privacy by prohibiting the disclosure and use of personal information contained in motor vehicle records. Section 730.003(4) of the Transportation Code defines a motor vehicle record as follows:

Motor vehicle record means a record that pertains to a motor vehicle operator's or driver's license or permit, motor vehicle registration, motor vehicle title, or identification document issued by an agency of this state or a local agency authorized to issue an identification document.

The submitted documents are law enforcement records; they are not motor vehicle records as defined in section 730.003(4). Since Chapter 730 and 18 U.S.C. Chapter 123 are only

applicable to the personal information contained in motor vehicle records, we conclude that the city must release the personal information contained in case number 99-242187. On the other hand, the provisions of section 552.130 apply to all records maintained by governmental bodies, not just motor vehicle records. Therefore, we will address whether section 552.130 applies to any of the submitted information.

Section 552.130 reads as follows:

(a) Information is excepted from the requirements of Section 552.021 if the information relates to:

(1) a motor vehicle operator's or driver's license or permit issued by an agency of this state;

(2) a motor vehicle title or registration issued by an agency of this state; or

(3) a personal identification document issued by an agency of this state or a local agency authorized to issue an identification document.

(b) Information described by Subsection (a) may be released only if, and in the manner, authorized by Chapter 730, Transportation Code.

You argue that the submitted VINs and license plate numbers are not excepted from disclosure under section 552.130 because this information is publicly displayed. Additionally, you argue that since VINs are assigned by the vehicle manufacturers and not a state agency, the VINs are not excepted from disclosure under section 552.130(a)(2). We note, however, that VINs and license plate numbers are pieces of information which specifically relate to motor vehicle title and registration documents issued by this state. Accordingly, this office has determined that VINs, license plate numbers, and Texas driver's license numbers must be withheld from disclosure under section 552.130. On the other hand, section 552.130 only applies to motor vehicle information issued by the State of Texas. Since the information contained in case number 99-142279, relates to motor vehicle information issued by foreign entities, we conclude that you may not withhold the VINs, license plate numbers, and drivers' license information contained in this file under section 552.130. We have marked the documents accordingly.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

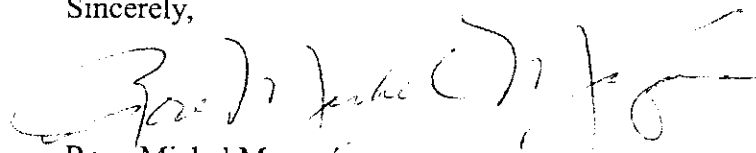
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in black ink, appearing to read "Rose-Michel Munguía", written over a horizontal line.

Rose-Michel Munguía
Assistant Attorney General
Open Records Division

RMM/jc

Ref: ID#129984

Encl. Submitted documents

cc: Ms. Catherine Murphy
Business Manager
I-44 Auto Auction, Inc.
16015 East Admiral Plaza
Tulsa, Oklahoma 74116
(w/o enclosures)